

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JL D.C.
05 DEC -1 PM 1:37

THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

LaVERN W. HARRIS, SR.,

Petitioner,

vs.

MARK H. LUTTRELL, JR.,

Respondent.

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No. 05-2768-M1/P

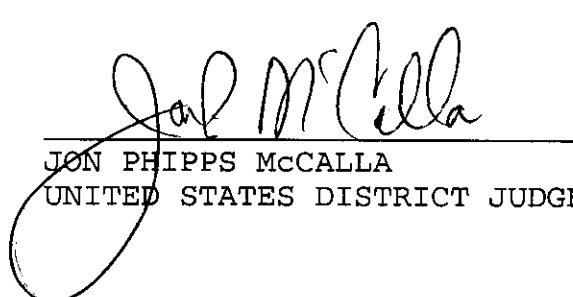
ORDER OF DISMISSAL

Petitioner LaVern W. Harris, Sr., booking number 05129365, who is apparently a pretrial detainee at the Shelby County Criminal Justice Complex in Memphis, filed a pro se petition pursuant to 28 U.S.C. § 2241 on October 13, 2005. The Court issued an order on October 24, 2005 directing the petitioner, within thirty (30) days, to submit a properly completed in forma pauperis affidavit or pay the habeas filing fee. The order also provided that "[f]ailure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute." 10/24/05 Order at 2.

Petitioner has not complied with, or otherwise responded to, the October 24, 2005 order, and the time set for compliance has expired. Accordingly, the Court DISMISSES the petition without

prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 1 day of ^{Dec.}~~November~~, 2005.



JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02768 was distributed by fax, mail, or direct printing on December 1, 2005 to the parties listed.

LeVern W. Harris
SHELBY COUNTY JAIL
05129365
201 Poplar Avenue
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT